

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

PIERCE COUNTY REPUBLICAN PARTY)
 (an unincorporated association))
)
 Plaintiff,)
)
 v.)
)
 ERIC CROWL)
 (*an individual*),)
)
 PIERCE COUNTY REPUBLICAN PARTY)
 (*a nonprofit corporation*),)
)
 WASHINGTON47 PAC)
 (*a nonprofit corporation*),)
)
 Defendants)
 _____)

Case No: 3:25-cv-05251-BHS

MOTION FOR SUMMARY JUDGMENT

NOTED FOR CONSIDERATION:
9/22/2025 1:30 PM

PURSUANT TO:
FRCP 56

I. INTRODUCTION

COMES NOW, Defendant, Eric Crowl, appearing pro se, and respectfully moves this Court for summary judgment pursuant to Federal Rule of Civil Procedure 56 on all claims asserted against him in the First Amended Complaint (Doc. 15), including the federal claim under Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)) and the state law claim under the Washington Consumer Protection Act (RCW 19.86). This motion is supported by the pleadings and the Declarations of Andréa Delaplane (Doc. 32), Andrew Olson (Doc. 33), Bradley Chaney (Doc. 34), Craig Fletcher (Doc. 35), Dawn Houghton (Doc. 36), Robert Francis Saxton (Doc. 37), Shannon Zimmerly (Doc. 38), and Eric Crowl (Doc. 49).

II. STATEMENT OF FACTS

1. Plaintiff: The Plaintiff, Pierce County Republican Party ("PCRP"), is an unincorporated association alleging it is a bona fide county political party under RCW 42.17A.005(6)(c) (Doc. 15).

IV. ARGUMENT

A. Federal Claim: Lanham Act (15 U.S.C. § 1125(a))

Section 43(a) of the Lanham Act (15 U.S.C. § 1125(a)) addresses trademark infringement and unfair competition, applicable to unregistered marks. To prevail, the Plaintiff must prove:

1. Ownership of a Valid Mark: The mark must be distinctive (inherently or via secondary meaning) and used in commerce.

2. Likelihood of Confusion: The defendant's use must create a likelihood of confusion among consumers. Defendant has met his burden under Celotex by showing the absence of genuine issues of material fact: Plaintiff has not demonstrated that "Pierce County Republican Party" is a registered or distinctive mark used in commerce, nor has it shown secondary meaning. No evidence supports consumer confusion, given the public disclosure of non-affiliation by Defendant Eric Crawl and other Defendants (Docs. 32-38, 49). Plaintiff has not presented specific facts to counter this, failing to meet its burden under Anderson. Thus, summary judgment is warranted as the record could not lead a rational trier of fact to find for Plaintiff (Matsushita).

B. State Claim: Washington Consumer Protection Act (RCW 19.86)

To prevail under the Washington Consumer Protection Act (RCW 19.86.020), Plaintiff must prove: (a) an unfair or deceptive act or practice; (b) occurring in trade or commerce; (c) affecting the public interest; (d) injuring the plaintiff's business or property; and (e) a causal link between the act and the injury. Defendant has demonstrated the absence of genuine disputes under Celotex:

1. The use by Defendant Eric Crawl and other Defendants was expressive, not deceptive (Docs. 32-38, 49).

2. No trade activity occurred, as confirmed by all Declarations.

3. The disclosed intent negates public harm (Docs. 32-38, 49).

1 4. No injury is shown due to the lack of commercial activity.

2 5. Absent trade, no causal link exists. Plaintiff's failure to provide specific evidence, as required
3 by Matsushita, fails to create a triable issue, entitling Defendant to summary judgment.

4 **C. Unavailability of Injunctive, Declaratory, and Costs/Fees Relief**

5 Plaintiff seeks injunctive relief, declaratory relief, and costs and fees (Doc. 15). However, these
6 remedies are unavailable because:

7 1. **Injunctive Relief:** No irreparable harm is shown, as no commercial activity or confusion
8 exists (Docs. 32-38, 49).

9 2. **Declaratory Relief:** The absence of a live controversy, given the expressive use and public
10 disclosure, precludes declaratory judgment, as there is no actual case or controversy
11 (MedImmune, Inc. v. Genentech, Inc., 549 U.S. 118, 126-27 (2007)).

12 3. **Costs and Fees:** No prevailing party status or statutory basis exists under the Lanham Act or
13 RCW 19.86 absent a valid claim (15 U.S.C. § 1117; RCW 19.86.090). Defendant seeks declaratory
14 relief to affirm these points.

15 **D. Effect of Default on Other Defendants for Defendant**

16 1. Claims against all Defendants (Eric Crawl, Pierce County Republican Party, and Washington47
17 PAC) involve joint and several liability—such as under the Lanham Act (15 U.S.C. § 1125(a)) or the
18 Washington Consumer Protection Act (RCW 19.86). A default judgment against some defendants
19 could prejudice the non-defaulting defendant (Eric Crawl) by establishing liability that might
20 contradict his successful defense. Courts may delay default judgments to avoid duplicative
21 proceedings or the need to revisit issues if the non-defaulting defendant prevails, promoting
22 efficiency (In re First T.D. & Inv., Inc., 253 F.3d 520, 532 (9th Cir. 2001)).

23 **V. CONCLUSION**

1 Based on the undisputed facts in the Declarations (Docs. 32-38, 49) and the legal standards, no
2 genuine issues of material fact remain, and Defendant Eric Crawl is entitled to judgment as a matter
3 of law on both claims; and no such default judgment should be entered upon other Defendants in
4 this case until such adjudication on this matter of summary judgment is quieted.

5 **VI. RELIEF REQUESTED**

6 **WHEREFORE**, Defendant, Eric Crawl, respectfully requests that this Court:

7 **(i)** Stay any issuance of default judgment against any other defendant until this matter is
8 resolved; and

9 **(ii)** Grant summary judgment pursuant to Federal Rule of Civil Procedure 56; and

10 **(iii)** Dismiss the federal claim under the Lanham Act (15 U.S.C. § 1125(a)) and the state claim
11 under the Washington Consumer Protection Act (RCW 19.86) against Defendant Eric Crawl with
12 prejudice; and

13 **(iv)** Issue a declaratory judgment that injunctive relief, further declaratory relief, and awards of
14 costs and fees are unavailable to Plaintiff;

15 **(v)** Issue declaratory judgment that joint and several liability is moot under summary judgment.

16 **(vi)** Award any other relief the Court deems just and proper.
17

18 **DATED this 8th day of September, 2025.**

19 **Respectfully Submitted,**

20 /s/ Eric Eugene Crawl

21 **Eric Crawl, Defendant, Pro Se**